

Environmental Practice Areas



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Bansbach Zoghlin P.C. is a
client-oriented law firm
formed in 1990.

We serve individuals, families,
businesses, developers,
citizens' groups and municipalities.



ENVIRONMENTAL PRACTICE AREAS

We help individuals, businesses, developers and municipalities minimize exposure to environmental risks and recover the cost to investigate and clean up contamination.

Typical Environmental Cases involve properties that were once used for:

- Gas stations,
- Auto repair and service facilities,
- Dry cleaners,
- Landfills,
- Manufacturing,
- Energy production,
- Strip malls, and
- Commercial agriculture.

Environmental claims also may arise in the use of residential property in connection with the delivery and use of home heating fuel. Home heating repairs, fuel tank overfill, or spillage during fuel delivery may give rise to environmental claims. Soil gas vapor impacts are of great concern to the NYS DEC and DOH.

BROWNFIELD DEVELOPMENT

Opportunities exist for those who develop properties that have contamination that would “complicate redevelopment of the site.” We help clients evaluate options for tax credits and liability protection in connection with the redevelopment of contaminated properties.

TRANSFERS OF CONTAMINATED PROPERTY

We help clients who own, purchase, develop or use contaminated property. We recommend ways to minimize potential liability for past discharges of environmental pollutants.

We help purchasers of contaminated property recover the cost to investigate and clean up contamination caused by others.

DUE DILIGENCE

The doctrine of “buyer beware” probably will not protect someone who unwittingly buys contaminated property. Innocent purchasers often are held responsible for the cost to investigate and clean up property they bought. Environmental due diligence must be performed in connection with significant business transactions such as mergers, acquisitions, and the purchase or sale of real estate. If a previous property owner is responsible for causing all or part of the environmental contamination on your property, and failed to disclose it as a matter of due diligence during the sale of the property, we will work to hold these culpable parties (or their insurance companies) liable.

COST RECOVERY ACTIONS

We represent purchasers in “cost recovery” actions to recover the cost to investigate and clean up contamination. Typically cost recovery claims are made against prior owners and operators, or adjacent owners or operators.

It may be possible to recover attorneys’ fees in certain types of cost recovery actions.

ENVIRONMENTAL QUALITY REVIEW

Most development projects require administrative approvals that trigger review under the state Environmental Quality Review Act (SEQRA) or the National Environmental Quality Review Act (NEPA). These acts require all potentially significant adverse environmental impacts to be identified, and then mitigated to the maximum extent practicable. Some of the factors that may trigger a thorough environmental review include:

- Noise,
- Visual impacts,
- Traffic,
- Aesthetic impacts,
- Threatened or endangered species,
- Air quality,
- Parking areas,
- Natural resources,
- Historic resources, and
- Energy use.

If the environmental review process is not done properly, the development approvals may be set aside, governmental funding may be revoked, and projects may suffer lengthy delays.

We guide clients through the environmental review process from start to finish.